

# Exhibit 3



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Commissioner for Patents

United States Patent and Trademark Office

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Alexandria, VA 22313-1450

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*Ex Parte* Reexamination Filing Data - September 30, 2019

|                                                                                                  |       |     |
|--------------------------------------------------------------------------------------------------|-------|-----|
| 1. Total requests filed since start of <i>Ex Parte</i> reexam on 07/01/81.....                   | 13987 |     |
| a. By patent owner                                                                               | 3919  | 28% |
| b. by other member of the public                                                                 | 9893  | 71% |
| c. By order of Commissioner                                                                      | 175   | 1%  |
| 2. Number of Filings by discipline                                                               |       |     |
| a. Chemical Operation                                                                            | 3791  | 27% |
| b. Electrical Operation                                                                          | 5214  | 37% |
| c. Mechanical Operation                                                                          | 4732  | 34% |
| d. Design Patents                                                                                | 250   | 2%  |
| 3. Annual <i>Ex Parte</i> Reexam Filings                                                         |       |     |
| Fiscal Yr.    No    Fiscal Yr.    No    Fiscal Yr.    No    Fiscal Yr.    No    Fiscal Yr.    No |       |     |
| 1981    78 (3 mos.)    1989    242    1997    380    2005    520    2013    305                  |       |     |
| 1982    187    1990    297    1998    348    2006    473    2014    355                          |       |     |
| 1983    186    1991    309    1999    391    2007    600    2015    244                          |       |     |
| 1984    189    1992    390    2000    312    2008    690    2016    222                          |       |     |
| 1985    230    1993    359    2001    295    2009    603    2017    191                          |       |     |
| 1986    232    1994    379    2002    272    2010    697    2018    187                          |       |     |
| 1987    240    1995    395    2003    394    2011    734    2019    163                          |       |     |
| 1988    269    1996    413    2004    436    2012    780                                         |       |     |
| 4. Number known to be in litigation.....                                                         | 1938  | 14% |
| 5. Decisions on requests <sup>2</sup> .....                                                      | 14130 |     |
| a. No. granted                                                                                   | 12905 | 91% |
| (1) By examiner                                                                                  | 12718 |     |
| (2) By Director (on petition)                                                                    | 187   |     |
| b. No. denied                                                                                    | 1277  | 9%  |
| (1) By examiner                                                                                  | 1225  |     |
| (2) Reexam vacated                                                                               | 52    |     |
| 6. Total examiner denials (includes denials reversed by Director).....                           | 1226  |     |
| a. Patent owner requester                                                                        | 524   | 43% |
| b. Third party requester                                                                         | 702   | 57% |

1 Total decisions on requests does not include requests that have been vacated or are pending.

2 The Director granted requests are only granted petitions on denial under 37 CFR 1.515.

|                                                                                |             |
|--------------------------------------------------------------------------------|-------------|
| 7. Overall reexamination pendency (Filing date to certificate issue date)..... |             |
| a. Average pendency                                                            | 25.8 (mos.) |
| b. Median pendency                                                             | 19.4 (mos.) |

|                                                                           |                  |                  |                 |                |                |
|---------------------------------------------------------------------------|------------------|------------------|-----------------|----------------|----------------|
| 8. Total ex parte reexamination certificates issued (1981 - present)..... |                  |                  |                 | 11980          |                |
|                                                                           | Owner            | 3rd Party        | Comm'r          |                |                |
|                                                                           | <u>Requester</u> | <u>Requester</u> | <u>Initiate</u> | <u>Overall</u> | <u>Numbers</u> |
| a. Certificates with all claims confirmed                                 | 6%               | 15%              | 0%              | 20.7%          | 2480           |
| b. Certificates with all claims canceled                                  | 3%               | 10%              | 0%              | 12.7%          | 1517           |
| c. Certificates with claims changes                                       | 19%              | 46%              | 1%              | 66.6%          | 7983           |

9. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated.

|                                                 |          |
|-------------------------------------------------|----------|
| a. Certificates – PATENT OWNER REQUESTER        | 3325     |
| a. All claims confirmed                         | 693 21%  |
| b. All claims canceled                          | 300 9%   |
| c. Claims changed                               | 2332 70% |
| b. Certificates – 3rd PARTY REQUESTER           | 8481     |
| a. All claims confirmed                         | 1769 21% |
| b. All claims canceled                          | 1170 14% |
| c. Claims changed                               | 5542 65% |
| c. Certificates – COMMISSIONER INITIATED REEXAM | 174      |
| a. All claims confirmed                         | 18 10%   |
| b. All claims canceled                          | 47 27%   |
| c. Claims changed                               | 109 63%  |

1 Total decisions on requests does not include requests that have been vacated or are pending.

2 The Director granted requests are only granted petitions on denial under 37 CFR 1.515.



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*Ex Parte* Reexamination Filing Data - September 30, 2018

|                                                                                         |             |
|-----------------------------------------------------------------------------------------|-------------|
| 1. Total requests filed since start of <i>Ex Parte</i> reexam on 07/01/81.....          | 14005       |
| a. By patent owner                                                                      | 4137 30%    |
| b. by other member of the public                                                        | 9825 70%    |
| c. By order of Commissioner                                                             | 43 0%       |
| 2. Number of Filings by discipline                                                      |             |
| a. Chemical Operation                                                                   | 3782 27%    |
| b. Electrical Operation                                                                 | 5270 38%    |
| c. Mechanical Operation                                                                 | 4717 34%    |
| d. Design Patents                                                                       | 236 2%      |
| 3. Annual <i>Ex Parte</i> Reexam Filings                                                |             |
| Fiscal Yr.   No   Fiscal Yr.   No   Fiscal Yr.   No   Fiscal Yr.   No   Fiscal Yr.   No |             |
| 1981   78 (3 mos.)   1989   242   1997   380   2005   520   2013   305                  |             |
| 1982   187   1990   297   1998   348   2006   473   2014   355                          |             |
| 1983   186   1991   309   1999   391   2007   601   2015   243                          |             |
| 1984   189   1992   390   2000   312   2008   691   2016   225                          |             |
| 1985   230   1993   359   2001   295   2009   605   2017   189                          |             |
| 1986   232   1994   379   2002   272   2010   698   2018   189                          |             |
| 1987   240   1995   395   2003   394   2011   736                                       |             |
| 1988   269   1996   413   2004   436   2012   781                                       |             |
| 4. Number known to be in litigation.....                                                | 4731 34%    |
| 5. Decisions on requests.....                                                           | 13178       |
| a. No. granted                                                                          | 12042 91%   |
| (1) By examiner                                                                         | 11891       |
| (2) By Director (on petition)                                                           | 151         |
| b. No. denied                                                                           | 1136 9%     |
| (1) By examiner                                                                         | 1089        |
| (2) Reexam vacated                                                                      | 47          |
| 6. Total examiner denials (includes denials reversed by Director).....                  | 2272        |
| a. Patent owner requester                                                               | 586 26%     |
| b. Third party requester                                                                | 1686 74%    |
| 7. Overall reexamination pendency (Filing date to certificate issue date).....          |             |
| a. Average pendency                                                                     | 27.7 (mos.) |
| b. Median pendency                                                                      | 19.8 (mos.) |

1 Total decisions on requests does not include requests that have been vacated or are pending.

data as of 9/30/2018

| 8. Reexam certificate claim analysis:                                                         | Owner<br>Requester | 3rd Party<br>Requester | Comm'r<br>Initiate | Overall |
|-----------------------------------------------------------------------------------------------|--------------------|------------------------|--------------------|---------|
| a. All claims confirmed                                                                       | 6%                 | 15%                    | 0%                 | 21%     |
| b. All claims canceled                                                                        | 3%                 | 10%                    | 0%                 | 12%     |
| c. Claims changed                                                                             | 20%                | 47%                    | 0%                 | 67%     |
| 9. Total ex parte reexamination certificates issued (1981 – present) .....                    |                    |                        |                    | 11403   |
| a. Certificates with all claims confirmed                                                     |                    |                        | 2391               | 21%     |
| b. Certificates with all claims canceled                                                      |                    |                        | 1404               | 12%     |
| c. Certificates with claims changes                                                           |                    |                        | 7608               | 67%     |
| 10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated. |                    |                        |                    |         |
| a. Certificates – PATENT OWNER REQUESTER                                                      |                    |                        |                    | 3337    |
| a. All claims confirmed                                                                       |                    |                        | 690                | 21%     |
| b. All claims canceled                                                                        |                    |                        | 293                | 9%      |
| c. Claims changed                                                                             |                    |                        | 2313               | 69%     |
| b. Certificates – 3rd PARTY REQUESTER                                                         |                    |                        |                    | 8362    |
| a. All claims confirmed                                                                       |                    |                        | 1681               | 20%     |
| b. All claims canceled                                                                        |                    |                        | 1062               | 13%     |
| c. Claims changed                                                                             |                    |                        | 5174               | 62%     |
| c. Certificates – COMMISSIONER INITIATED REEXAM                                               |                    |                        |                    | 41      |
| a. All claims confirmed                                                                       |                    |                        | 2                  | 5%      |
| b. All claims canceled                                                                        |                    |                        | 23                 | 56%     |
| c. Claims changed                                                                             |                    |                        | 16                 | 39%     |



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*Ex Parte* Reexamination Filing Data - September 30, 2017

|                                                                                         |             |       |
|-----------------------------------------------------------------------------------------|-------------|-------|
| 1. Total requests filed since start of <i>Ex Parte</i> reexam on 07/01/81.....          | 13641       |       |
| a. By patent owner                                                                      | 3912        | 29%   |
| b. by other member of the public                                                        | 9686        | 71%   |
| c. By order of Commissioner                                                             | 43          | 0%    |
| 2. Number of Filings by dicipline                                                       |             |       |
| a. Chemical Operation                                                                   | 3670        | 27%   |
| b. Electrical Operation                                                                 | 5148        | 38%   |
| c. Mechanical Operation                                                                 | 4596        | 34%   |
| d. Design Patents                                                                       | 227         | 2%    |
| 3. Annual <i>Ex Parte</i> Reexam Filings                                                |             |       |
| Fiscal Yr.   No   Fiscal Yr.   No   Fiscal Yr.   No   Fiscal Yr.   No   Fiscal Yr.   No |             |       |
| 1981   78 (3 mos.)   1989   242   1997   380   2005   520   2013   305                  |             |       |
| 1982   187   1990   297   1998   348   2006   473   2014   355                          |             |       |
| 1983   186   1991   309   1999   391   2007   601   2015   243                          |             |       |
| 1984   189   1992   390   2000   312   2008   691   2016   219                          |             |       |
| 1985   230   1993   359   2001   295   2009   605   2017   191                          |             |       |
| 1986   232   1994   379   2002   272   2010   698                                       |             |       |
| 1987   240   1995   395   2003   394   2011   736                                       |             |       |
| 1988   269   1996   413   2004   436   2012   781                                       |             |       |
| 4. Number known to be in litigation.....                                                | 4648        | 34%   |
| 5. Decisions on requests.....                                                           |             | 13147 |
| a. No. granted                                                                          | 12047       | 92%   |
| (1) By examiner                                                                         | 11913       |       |
| (2) By Director (on petition)                                                           | 134         |       |
| b. No. denied                                                                           | 1100        | 8%    |
| (1) By examiner                                                                         | 1054        |       |
| (2) Reexam vacated                                                                      | 46          |       |
| 6. Total examiner denials (includes denials reversed by Director).....                  |             | 1056  |
| a. Patent owner requester                                                               | 494         | 47%   |
| b. Third party requester                                                                | 562         | 53%   |
| 7. Overall reexamination pendency (Filing date to certificate issue date).....          |             |       |
| a. Average pendency                                                                     | 26.4 (mos.) |       |
| b. Median pendency                                                                      | 19.4 (mos.) |       |

1 Total decisions on requests does not include requests that have been vacated or are pending.

data as of 9/30/2016

| 8. Reexam certificate claim analysis:                                                         | Owner<br>Requester | 3rd Party<br>Requester | Comm'r<br>Initiate | Overall |
|-----------------------------------------------------------------------------------------------|--------------------|------------------------|--------------------|---------|
| a. All claims confirmed                                                                       | 6%                 | 15%                    | 0%                 | 21%     |
| b. All calims canceled                                                                        | 3%                 | 9%                     | 0%                 | 12%     |
| c. Claims changed                                                                             | 21%                | 46%                    | 0%                 | 67%     |
| 9. Total ex parte reexamination certificates issued (1981 – present) .....                    |                    |                        |                    | 11403   |
| a. Certificates with all claims confirmed                                                     |                    |                        | 2391               | 21%     |
| b. Certificates with all claims canceled                                                      |                    |                        | 1404               | 12%     |
| c. Certificates with claims changes                                                           |                    |                        | 7608               | 67%     |
| 10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated. |                    |                        |                    |         |
| a. Certificates – PATENT OWNER REQUESTER                                                      |                    |                        |                    | 3296    |
| a. All claims confirmed                                                                       |                    |                        | 690                | 21%     |
| b. All calims canceled                                                                        |                    |                        | 293                | 9%      |
| c. Claims changed                                                                             |                    |                        | 2313               | 70%     |
| b. Certificates – 3rd PARTY REQUESTER                                                         |                    |                        |                    | 7917    |
| a. All claims confirmed                                                                       |                    |                        | 1681               | 21%     |
| b. All calims canceled                                                                        |                    |                        | 1062               | 13%     |
| c. Claims changed                                                                             |                    |                        | 5174               | 65%     |
| c. Certificates – COMMISSIONER INITIATED REEXAM                                               |                    |                        |                    | 41      |
| a. All claims confirmed                                                                       |                    |                        | 2                  | 5%      |
| b. All calims canceled                                                                        |                    |                        | 23                 | 56%     |
| c. Claims changed                                                                             |                    |                        | 16                 | 39%     |



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*Ex Parte* Reexamination Filing Data - September 30, 2016

|                                                                                         |              |       |
|-----------------------------------------------------------------------------------------|--------------|-------|
| 1. Total requests filed since start of <i>Ex Parte</i> reexam on 07/01/81.....          | 13450        |       |
| a. By patent owner                                                                      | 3887         | 29%   |
| b. by other member of the public                                                        | 9520         | 71%   |
| c. By order of Commissioner                                                             | 43           | 0%    |
| 2. Number of Filings by dicipline                                                       |              |       |
| a. Chemical Operation                                                                   | 3632         | 27%   |
| b. Electrical Operation                                                                 | 5085         | 38%   |
| c. Mechanical Operation                                                                 | 4521         | 34%   |
| d. Design Patents                                                                       | 212          | 2%    |
| 3. Annual <i>Ex Parte</i> Reexam Filings                                                |              |       |
| Fiscal Yr.   No   Fiscal Yr.   No   Fiscal Yr.   No   Fiscal Yr.   No   Fiscal Yr.   No |              |       |
| 1981   78 (3 mos.)   1989   242   1997   380   2005   520   2013   305                  |              |       |
| 1982   187   1990   297   1998   348   2006   473   2014   355                          |              |       |
| 1983   186   1991   309   1999   391   2007   601   2015   243                          |              |       |
| 1984   189   1992   390   2000   312   2008   691   2015   219                          |              |       |
| 1985   230   1993   359   2001   295   2009   605                                       |              |       |
| 1986   232   1994   379   2002   272   2010   698                                       |              |       |
| 1987   240   1995   395   2003   394   2011   736                                       |              |       |
| 1988   269   1996   413   2004   436   2012   781                                       |              |       |
| 4. Number known to be in litigation.....                                                | 4350         | 32%   |
| 5. Decisions on requests.....                                                           |              | 12929 |
| a. No. granted                                                                          | 11835        | 92%   |
| (1) By examiner                                                                         | 11704        |       |
| (2) By Director (on petition)                                                           | 131          |       |
| b. No. denied                                                                           | 1094         | 8%    |
| (1) By examiner                                                                         | 1048         |       |
| (2) Reexam vacated                                                                      | 46           |       |
| 6. Total examiner denials (includes denials reversed by Director).....                  |              | 1048  |
| a. Patent owner requester                                                               | 492          | 47%   |
| b. Third party requester                                                                | 556          | 53%   |
| 7. Overall reexamination pendency (Filing date to certificate issue date).....          |              |       |
| a. Average pendency                                                                     | 25.77 (mos.) |       |
| b. Median pendency                                                                      | 20.2 (mos.)  |       |

1 Total decisions on requests does not include requests that have been vacated or are pending.

data as of 9/30/2016



| 8. Reexam certificate claim analysis:                                                         | Owner<br>Requester | 3rd Party<br>Requester | Comm'r<br>Initiate | Overall |
|-----------------------------------------------------------------------------------------------|--------------------|------------------------|--------------------|---------|
| a. All claims confirmed                                                                       | 6%                 | 15%                    | 0%                 | 21%     |
| b. All calims canceled                                                                        | 3%                 | 9%                     | 0%                 | 12%     |
| c. Claims changed                                                                             | 21%                | 45%                    | 0%                 | 66%     |
| 9. Total ex parte reexamination certificates issued (1981 – present) .....                    |                    |                        |                    | 10979   |
| a. Certificates with all claims confirmed                                                     |                    |                        | 2337               | 21%     |
| b. Certificates with all claims canceled                                                      |                    |                        | 1339               | 12%     |
| c. Certificates with claims changes                                                           |                    |                        | 7303               | 67%     |
| 10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated. |                    |                        |                    |         |
| a. Certificates – PATENT OWNER REQUESTER                                                      |                    |                        |                    | 3270    |
| a. All claims confirmed                                                                       |                    |                        | 685                | 21%     |
| b. All calims canceled                                                                        |                    |                        | 291                | 9%      |
| c. Claims changed                                                                             |                    |                        | 2294               | 70%     |
| b. Certificates – 3rd PARTY REQUESTER                                                         |                    |                        |                    | 7519    |
| a. All claims confirmed                                                                       |                    |                        | 1631               | 22%     |
| b. All calims canceled                                                                        |                    |                        | 999                | 13%     |
| c. Claims changed                                                                             |                    |                        | 4889               | 65%     |
| c. Certificates – COMMISSIONER INITIATED REEXAM                                               |                    |                        |                    | 41      |
| a. All claims confirmed                                                                       |                    |                        | 2                  | 5%      |
| b. All calims canceled                                                                        |                    |                        | 23                 | 56%     |
| c. Claims changed                                                                             |                    |                        | 16                 | 39%     |

1 Total decisions on requests does not include requests that have been vacated or are pending.



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*Ex Parte* Reexamination Filing Data - September 30, 2015

|                                                                                                                    |             |       |
|--------------------------------------------------------------------------------------------------------------------|-------------|-------|
| 1. Total requests filed since start of <i>Ex Parte</i> reexam on 07/01/81.....                                     |             | 13136 |
| a. By patent owner                                                                                                 | 3957        | 30%   |
| b. by other member of the public                                                                                   | 9014        | 69%   |
| c. By order of Commissioner                                                                                        | 165         | 1%    |
| 2. Number of Filings by dicipline                                                                                  |             |       |
| a. Chemical Operation                                                                                              | 3569        | 27%   |
| b. Electrical Operation                                                                                            | 5265        | 40%   |
| c. Mechanical Operation                                                                                            | 4418        | 34%   |
| d. Design Patents                                                                                                  | 220         | 2%    |
| 3. Annual <i>Ex Parte</i> Reexam Filings                                                                           |             |       |
| Fiscal Yr.      No      Fiscal Yr.      No      Fiscal Yr.      No      Fiscal Yr.      No      Fiscal Yr.      No |             |       |
| 1981      78 (3 mos.)      1989      243      1997      376      2005      524      2013      296                  |             |       |
| 1982      187      1990      297      1998      350      2006      511      2014      342                          |             |       |
| 1983      186      1991      307      1999      385      2007      643      2015      240                          |             |       |
| 1984      189      1992      392      2000      318      2008      680                                             |             |       |
| 1985      230      1993      359      2001      296      2009      658                                             |             |       |
| 1986      232      1994      379      2002      272      2010      780                                             |             |       |
| 1987      240      1995      392      2003      392      2011      759                                             |             |       |
| 1988      268      1996      418      2004      441      2012      787                                             |             |       |
| 4. Number known to be in litigation.....                                                                           | 4819        | 37%   |
| 5. Decisions on requests.....                                                                                      |             | 12641 |
| a. No. granted                                                                                                     | 11623       | 92%   |
| (1) By examiner                                                                                                    | 11492       |       |
| (2) By Director (on petition)                                                                                      | 131         |       |
| b. No. denied                                                                                                      | 1018        | 8%    |
| (1) By examiner                                                                                                    | 980         |       |
| (2) Reexam vacated                                                                                                 | 38          |       |
| 6. Total examiner denials (includes denials reversed by Director).....                                             |             | 1118  |
| a. Patent owner requester                                                                                          | 496         | 44%   |
| b. Third party requester                                                                                           | 622         | 56%   |
| 7. Overall reexamination pendency (Filing date to certificate issue date).....                                     |             |       |
| a. Average pendency                                                                                                | 26.5 (mos.) |       |
| b. Median pendency                                                                                                 | 19.6 (mos.) |       |

1 Total decisions on requests does not include requests that have been vacated or are pending.

data as of 9/30/2015

| 8. Reexam certificate claim analysis:                                                         | Owner<br>Requester | 3rd Party<br>Requester | Comm'r<br>Initiate | Overall |
|-----------------------------------------------------------------------------------------------|--------------------|------------------------|--------------------|---------|
| a. All claims confirmed                                                                       | 6%                 | 15%                    | 0%                 | 21%     |
| b. All calims canceled                                                                        | 3%                 | 9%                     | 0%                 | 12%     |
| c. Claims changed                                                                             | 21%                | 45%                    | 1%                 | 67%     |
| 9. Total ex parte reexamination certificates issued (1981 – present) .....                    |                    |                        |                    | 10951   |
| a. Certificates with all claims confirmed                                                     |                    |                        | 2331               | 21%     |
| b. Certificates with all claims canceled                                                      |                    |                        | 1334               | 12%     |
| c. Certificates with claims changes                                                           |                    |                        | 7286               | 67%     |
| 10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated. |                    |                        |                    |         |
| a. Certificates – PATENT OWNER REQUESTER                                                      |                    |                        |                    | 3268    |
| a. All claims confirmed                                                                       |                    |                        | 685                | 21%     |
| b. All calims canceled                                                                        |                    |                        | 291                | 9%      |
| c. Claims changed                                                                             |                    |                        | 2292               | 70%     |
| b. Certificates – 3rd PARTY REQUESTER                                                         |                    |                        |                    | 7513    |
| a. All claims confirmed                                                                       |                    |                        | 1628               | 22%     |
| b. All calims canceled                                                                        |                    |                        | 998                | 13%     |
| c. Claims changed                                                                             |                    |                        | 4887               | 65%     |
| c. Certificates – COMMISSIONER INITIATED REEXAM                                               |                    |                        |                    | 170     |
| a. All claims confirmed                                                                       |                    |                        | 18                 | 11%     |
| b. All calims canceled                                                                        |                    |                        | 45                 | 26%     |
| c. Claims changed                                                                             |                    |                        | 107                | 63%     |



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*Ex Parte* Reexamination Filing Data - September 30, 2014

|                                                                                                  |             |       |
|--------------------------------------------------------------------------------------------------|-------------|-------|
| 1. Total requests filed since start of <i>Ex Parte</i> reexam on 07/01/81.....                   | 13217       |       |
| a. By patent owner                                                                               | 3833        | 29%   |
| b. by other member of the public                                                                 | 9217        | 70%   |
| c. By order of Commissioner                                                                      | 167         | 1%    |
| 2. Number of Filings by dicipline                                                                |             |       |
| a. Chemical Operation                                                                            | 3516        | 27%   |
| b. Electrical Operation                                                                          | 5167        | 39%   |
| c. Mechanical Operation                                                                          | 4330        | 33%   |
| d. Design Patents                                                                                | 204         | 2%    |
| 3. Annual <i>Ex Parte</i> Reexam Filings                                                         |             |       |
| Fiscal Yr.    No    Fiscal Yr.    No    Fiscal Yr.    No    Fiscal Yr.    No    Fiscal Yr.    No |             |       |
| 1981    78 (3 mos.)    1989    243    1997    376    2005    524    2013    305                  |             |       |
| 1982    187    1990    297    1998    350    2006    511    2014    343                          |             |       |
| 1983    186    1991    307    1999    385    2007    643                                         |             |       |
| 1984    189    1992    392    2000    318    2008    680                                         |             |       |
| 1985    230    1993    359    2001    296    2009    658                                         |             |       |
| 1986    232    1994    379    2002    272    2010    780                                         |             |       |
| 1987    240    1995    392    2003    392    2011    759                                         |             |       |
| 1988    268    1996    418    2004    441    2012    787                                         |             |       |
| 4. Number known to be in litigation.....                                                         | 4362        | 33%   |
| 5. Decisions on requests.....                                                                    |             | 12429 |
| a. No. granted                                                                                   | 11402       | 92%   |
| (1) By examiner                                                                                  | 11271       |       |
| (2) By Director (on petition)                                                                    | 131         |       |
| b. No. denied                                                                                    | 1027        | 8%    |
| (1) By examiner                                                                                  | 990         |       |
| (2) Reexam vacated                                                                               | 37          |       |
| 6. Total examiner denials (includes denials reversed by Director).....                           |             | 1067  |
| a. Patent owner requester                                                                        | 665         | 62%   |
| b. Third party requester                                                                         | 621         | 58%   |
| 7. Overall reexamination pendency (Filing date to certificate issue date).....                   |             |       |
| a. Average pendency                                                                              | 22.3 (mos.) |       |
| b. Median pendency                                                                               | 15.9 (mos.) |       |

1 Total decisions on requests does not include requests that have been vacated or are pending.

data as of 9/30/2014

| 8. Reexam certificate claim analysis:                                                         | Owner<br>Requester | 3rd Party<br>Requester | Comm'r<br>Initiate | Overall |
|-----------------------------------------------------------------------------------------------|--------------------|------------------------|--------------------|---------|
| a. All claims confirmed                                                                       | 6%                 | 15%                    | 0%                 | 22%     |
| b. All calims canceled                                                                        | 3%                 | 9%                     | 0%                 | 12%     |
| c. Claims changed                                                                             | 21%                | 44%                    | 1%                 | 66%     |
| 9. Total ex parte reexamination certificates issued (1981 – present) .....                    |                    |                        |                    | 10698   |
| a. Certificates with all claims confirmed                                                     |                    |                        | 2303               | 22%     |
| b. Certificates with all claims canceled                                                      |                    |                        | 1301               | 12%     |
| c. Certificates with claims changes                                                           |                    |                        | 7094               | 66%     |
| 10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated. |                    |                        |                    |         |
| a. Certificates – PATENT OWNER REQUESTER                                                      |                    |                        |                    | 3256    |
| a. All claims confirmed                                                                       |                    |                        | 685                | 21%     |
| b. All calims canceled                                                                        |                    |                        | 289                | 9%      |
| c. Claims changed                                                                             |                    |                        | 2282               | 70%     |
| b. Certificates – 3rd PARTY REQUESTER                                                         |                    |                        |                    | 7272    |
| a. All claims confirmed                                                                       |                    |                        | 1600               | 22%     |
| b. All calims canceled                                                                        |                    |                        | 967                | 13%     |
| c. Claims changed                                                                             |                    |                        | 4705               | 65%     |
| c. Certificates – COMMISSIONER INITIATED REEXAM                                               |                    |                        |                    | 170     |
| a. All claims confirmed                                                                       |                    |                        | 18                 | 11%     |
| b. All calims canceled                                                                        |                    |                        | 45                 | 26%     |
| c. Claims changed                                                                             |                    |                        | 107                | 63%     |

1 Total decisions on requests does not include requests that have been vacated or are pending.



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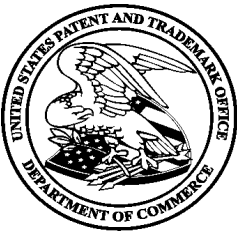
*Ex Parte* Reexamination Filing Data - September 30, 2013

|                                                                                |               |               |
|--------------------------------------------------------------------------------|---------------|---------------|
| 1. Total requests filed since start of <i>Ex Parte</i> reexam on 07/01/81..... | 12874         |               |
| a. By patent owner                                                             | 3833          | 30%           |
| b. by other member of the public                                               | 8874          | 69%           |
| c. By order of Commissioner                                                    | 167           | 1%            |
| 2. Number of Filings by dicipline                                              |               |               |
| a. Chemical Operation                                                          | 3435          | 27%           |
| b. Electrical Operation                                                        | 5001          | 39%           |
| c. Mechanical Operation                                                        | 4234          | 33%           |
| d. Design Patents                                                              | 204           | 2%            |
| 3. Annual <i>Ex Parte</i> Reexam Filings                                       |               |               |
| Fiscal Yr. No                                                                  | Fiscal Yr. No | Fiscal Yr. No |
| 1981 78 (3 mos.                                                                | 1989 243      | 1997 376      |
| 1982 187                                                                       | 1990 297      | 1998 350      |
| 1983 186                                                                       | 1991 307      | 1999 385      |
| 1984 189                                                                       | 1992 392      | 2000 318      |
| 1985 230                                                                       | 1993 359      | 2001 296      |
| 1986 232                                                                       | 1994 379      | 2002 272      |
| 1987 240                                                                       | 1995 392      | 2003 392      |
| 1988 268                                                                       | 1996 418      | 2004 441      |
| 2005 524                                                                       | 2006 511      | 2007 643      |
| 2008 680                                                                       | 2009 658      | 2010 780      |
| 2011 759                                                                       | 2012 787      | 2013 305      |
| 4. Number known to be in litigation.....                                       | 4167          | 32%           |
| 5. Decisions on requests.....                                                  | 12016         |               |
| a. No. granted                                                                 | 11013         | 92%           |
| (1) By examiner                                                                | 10891         |               |
| (2) By Director (on petition)                                                  | 122           |               |
| b. No. denied                                                                  | 1003          | 8%            |
| (1) By examiner                                                                | 968           |               |
| (2) Reexam vacated                                                             | 35            |               |
| 6. Total examiner denials (includes denials reversed by Director).....         | 1067          |               |
| a. Patent owner requester                                                      | 498           | 47%           |
| b. Third party requester                                                       | 606           | 57%           |
| 7. Overall reexamination pendency (Filing date to certificate issue date)      |               |               |
| a. Average pendency                                                            | 27.8 (mos.)   |               |
| b. Median pendency                                                             | 20.1 (mos.)   |               |

1 Total decisions on requests does not include requests that have been vacated or are pending.

| 8. Reexam certificate claim analysis:                                                         | Owner<br>Requeste | 3rd Party<br>Requeste | Comm'r<br>Initiate | Overall |
|-----------------------------------------------------------------------------------------------|-------------------|-----------------------|--------------------|---------|
| a. All claims confirmed                                                                       | 6%                | 15%                   | 0%                 | 21%     |
| b. All calims canceled                                                                        | 3%                | 8%                    | 0%                 | 11%     |
| c. Claims changed                                                                             | 21%               | 40%                   | 1%                 | 62%     |
| 9. Total ex parte reexamination certificates issued (1981 – present) .....                    |                   |                       |                    | 9991    |
| a. Certificates with all claims confirmed                                                     |                   |                       | 2241               | 22%     |
| b. Certificates with all claims canceled                                                      |                   |                       | 1205               | 12%     |
| c. Certificates with claims changes                                                           |                   |                       | 6545               | 66%     |
| 10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated. |                   |                       |                    |         |
| a. Certificates – PATENT OWNER REQUESTER                                                      |                   |                       |                    | 3279    |
| a. All claims confirmed                                                                       |                   |                       | 682                | 21%     |
| b. All calims canceled                                                                        |                   |                       | 283                | 9%      |
| c. Claims changed                                                                             |                   |                       | 2239               | 68%     |
| b. Certificates – 3rd PARTY REQUESTER                                                         |                   |                       |                    | 7174    |
| a. All claims confirmed                                                                       |                   |                       | 1541               | 21%     |
| b. All calims canceled                                                                        |                   |                       | 882                | 12%     |
| c. Claims changed                                                                             |                   |                       | 4201               | 59%     |
| c. Certificates – COMMISSIONER INITIATED REEXAM                                               |                   |                       |                    | 164     |
| a. All claims confirmed                                                                       |                   |                       | 18                 | 11%     |
| b. All calims canceled                                                                        |                   |                       | 40                 | 24%     |
| c. Claims changed                                                                             |                   |                       | 105                | 64%     |

1 Total decisions on requests does not include requests that have been vacated or are pending.



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Ex Parte Reexamination Filing Data - September 30, 2012

|                                                                                |             |
|--------------------------------------------------------------------------------|-------------|
| 1. Total requests filed since start of <i>ex parte</i> reexam on 07/01/81..... | 12569       |
| a. By patent owner                                                             | 3872 31%    |
| b. by other member of the public                                               | 8532 68%    |
| c. By order of Commissioner                                                    | 165 1%      |
| 2. Number a. Chemical Operation                                                | 3373 27%    |
| b. Electrical Operation                                                        | 4831 38%    |
| c. Mechanical Operation                                                        | 4178 33%    |
| d. Design Patents                                                              | 187 1%      |
| 3. Annual <i>Ex Parte</i> Reexam Filings                                       |             |
| Fiscal Yr. No      Fiscal Yr. No      Fiscal Yr. No      Fiscal Yr. No         |             |
| 1981 78 (3 mos.)    1989 243      1997 376      2005 524                       |             |
| 1982 187      1990 297      1998 350      2006 511                             |             |
| 1983 186      1991 307      1999 385      2007 643                             |             |
| 1984 189      1992 392      2000 318      2008 680                             |             |
| 1985 230      1993 359      2001 296      2009 658                             |             |
| 1986 232      1994 379      2002 272      2010 780                             |             |
| 1987 240      1995 392      2003 392      2011 759                             |             |
| 1988 268      1996 418      2004 441      2012 788                             |             |
| 4. Number known to be in litigation.....                                       | 3994 32%    |
| 5. Decisions on requests.....                                                  | 11737       |
| a. No. granted.....                                                            | 10755 92%   |
| (1) By examiner                                                                | 10762       |
| (2) By Director (on petition)                                                  | 122         |
| b. No. denied.....                                                             | 982 8%      |
| (1) By examiner                                                                | 961         |
| (2) Reexam vacated                                                             | 35          |
| 6. Total examiner denials (includes denials reversed by Director).....         | 1078        |
| a. Patent owner requester                                                      | 496 46%     |
| b. Third party requester                                                       | 582 54%     |
| 7. Overall reexamination pendency (Filing date to certificate issue date)      |             |
| a. Average pendency                                                            | 27.9 (mos.) |
| b. Median pendency                                                             | 20.5 (mos.) |



| 8. Reexam certificate claim analysis:                                                         | Owner<br>Requester | 3rd Party<br>Requester | Comm'r<br>Initiate | Overall |
|-----------------------------------------------------------------------------------------------|--------------------|------------------------|--------------------|---------|
| a. All claims confirmed                                                                       | 21%                | 22%                    | 11%                | 21%     |
| b. All calims canceled                                                                        | 8%                 | 12%                    | 24%                | 11%     |
| c. Claims changed                                                                             | 71%                | 66%                    | 65%                | 68%     |
| 9. Total ex parte reexamination certificates issued (1981 – present) .....                    |                    |                        |                    | 9328    |
| a. Certificates with all claims confirmed                                                     |                    |                        | 2029               | 22%     |
| b. Certificates with all claims canceled                                                      |                    |                        | 1063               | 11%     |
| c. Certificates with claims changes                                                           |                    |                        | 6236               | 67%     |
| 10. Reexam claim analysis – requester is patent owner or 3rd party or Commissioner initiated. |                    |                        |                    |         |
| a. Certificates – PATENT OWNER REQUESTER                                                      |                    |                        |                    | 3176    |
| a. All claims confirmed                                                                       |                    |                        | 669                | 21%     |
| b. All calims canceled                                                                        |                    |                        | 280                | 9%      |
| c. Claims changed                                                                             |                    |                        | 2227               | 70%     |
| b. Certificates – 3rd PARTY REQUESTER                                                         |                    |                        |                    | 6026    |
| a. All claims confirmed                                                                       |                    |                        | 1348               | 22%     |
| b. All calims canceled                                                                        |                    |                        | 745                | 12%     |
| c. Claims changed                                                                             |                    |                        | 3933               | 65%     |
| c. Certificates – COMMISSIONER INITIATED REEXAM                                               |                    |                        |                    | 164     |
| a. All claims confirmed                                                                       |                    |                        | 18                 | 11%     |
| b. All calims canceled                                                                        |                    |                        | 38                 | 23%     |
| c. Claims changed                                                                             |                    |                        | 108                | 66%     |



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Ex Parte Reexamination Filing Data - September 30, 2011

1. Total requests filed since start of *ex parte* reexam on 07/01/81.....11782<sup>1</sup>
  - a. By patent owner 3801 33%
  - b. By other member of public 7815 66%
  - c. By order of Commissioner 166 1%
  
2. Number of filings by discipline
  - a. Chemical Operation 3211 27%
  - b. Electrical Operation 4405 37%
  - c. Mechanical Operation 3987 34%
  - d. Design Patents 179 2%
  
3. Annual *Ex Parte* Reexam Filings
 

| Fiscal Yr. | No.         | Fiscal Yr. | No. | Fiscal Yr. | No. | Fiscal Yr. | No. |
|------------|-------------|------------|-----|------------|-----|------------|-----|
| 1981       | 78 (3 mos.) | 1989       | 243 | 1997       | 376 | 2005       | 524 |
| 1982       | 187         | 1990       | 297 | 1998       | 350 | 2006       | 511 |
| 1983       | 186         | 1991       | 307 | 1999       | 385 | 2007       | 643 |
| 1984       | 189         | 1992       | 392 | 2000       | 318 | 2008       | 680 |
| 1985       | 230         | 1993       | 359 | 2001       | 296 | 2009       | 658 |
| 1986       | 232         | 1994       | 379 | 2002       | 272 | 2010       | 780 |
| 1987       | 240         | 1995       | 392 | 2003       | 392 | 2011       | 759 |
| 1988       | 268         | 1996       | 418 | 2004       | 441 |            |     |
  
4. Number known to be in litigation.....3894.....33%
  
5. Decisions on requests.....11262
  - a. No. granted.....10333.....92%
    - (1) By examiner 10213
    - (2) By Director (on petition) 120
  - b. No. denied .....929.....8%
    - (1) By examiner 894
    - (2) Reexam vacated 35

<sup>1</sup>Of the requests received in FY 2011, 22 requests have not yet been accorded a filing date, and preprocessing of 35 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

|     |                                                                                                       |                  |                             |                  |
|-----|-------------------------------------------------------------------------------------------------------|------------------|-----------------------------|------------------|
| 6.  | Total examiner denials (includes denials reversed by Director).....                                   | 1014             |                             |                  |
| a.  | Patent owner requester                                                                                | 476              | 47%                         |                  |
| b.  | Third party requester                                                                                 | 538              | 53%                         |                  |
| 7.  | Overall reexamination pendency (Filing date to certificate issue date)                                |                  |                             |                  |
| a.  | Average pendency                                                                                      | 25.6 (mos.)      |                             |                  |
| b.  | Median pendency                                                                                       | 19.9 (mos.)      |                             |                  |
| 8.  | Reexam certificate claim analysis:                                                                    |                  |                             |                  |
|     |                                                                                                       | <u>Owner</u>     | <u>3<sup>rd</sup> Party</u> | <u>Comm'r</u>    |
|     |                                                                                                       | <u>Requester</u> | <u>Requester</u>            | <u>Initiated</u> |
|     |                                                                                                       |                  |                             | <u>Overall</u>   |
| a.  | All claims confirmed                                                                                  | 21%              | 24%                         | 11%              |
| b.  | All claims cancelled                                                                                  | 9%               | 12%                         | 23%              |
| c.  | Claims changes                                                                                        | 70%              | 64%                         | 66%              |
| 9.  | Total <i>ex parte</i> reexamination certificates issued (1981 – present) .....                        |                  |                             | 8578             |
| a.  | Certificates with all claims confirmed                                                                |                  |                             | 1943             |
| b.  | Certificates with all claims canceled                                                                 |                  |                             | 974              |
| c.  | Certificates with claims changes                                                                      |                  |                             | 5661             |
| 10. | Reexam claim analysis – requester is patent owner or 3 <sup>rd</sup> party or Commissioner initiated. |                  |                             |                  |
| a.  | Certificates – PATENT OWNER REQUESTER .....                                                           |                  |                             | 3040             |
|     | (1) All claims confirmed                                                                              |                  |                             | 651              |
|     | (2) All claims canceled                                                                               |                  |                             | 264              |
|     | (3) Claim changes                                                                                     |                  |                             | 2125             |
| b.  | Certificates – 3 <sup>rd</sup> PARTY REQUESTER .....                                                  |                  |                             | 5380             |
|     | (1) All claims confirmed                                                                              |                  |                             | 1274             |
|     | (2) All claims canceled                                                                               |                  |                             | 674              |
|     | (3) Claim changes                                                                                     |                  |                             | 3432             |
| c.  | Certificates – COMMISSIONER INITIATED REEXAM .....                                                    |                  |                             | 158              |
|     | (1) All claims confirmed                                                                              |                  |                             | 18               |
|     | (2) All claims canceled                                                                               |                  |                             | 36               |
|     | (3) Claim changes                                                                                     |                  |                             | 104              |



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Ex Parte Reexamination Filing Data - September 30, 2010

|                                                                                |                    |
|--------------------------------------------------------------------------------|--------------------|
| 1. Total requests filed since start of <i>ex parte</i> reexam on 07/01/81..... | 11023 <sup>1</sup> |
| a. By patent owner                                                             | 3697 34%           |
| b. By other member of public                                                   | 7161 65%           |
| c. By order of Commissioner                                                    | 165 1%             |
| 2. Number of filings by discipline                                             |                    |
| a. Chemical Operation                                                          | 3068 28%           |
| b. Electrical Operation                                                        | 4010 36%           |
| c. Mechanical Operation                                                        | 3771 34%           |
| d. Design Patents                                                              | 174 2%             |
| 3. Annual <i>Ex Parte</i> Reexam Filings                                       |                    |
| Fiscal Yr. No.      Fiscal Yr. No.      Fiscal Yr. No.      Fiscal Yr. No.     |                    |
| 1981 78 (3 mos.)    1989 243      1997 376      2005 524                       |                    |
| 1982 187            1990 297      1998 350      2006 511                       |                    |
| 1983 186            1991 307      1999 385      2007 643                       |                    |
| 1984 189            1992 392      2000 318      2008 680                       |                    |
| 1985 230            1993 359      2001 296      2009 658                       |                    |
| 1986 232            1994 379      2002 272      2010 780                       |                    |
| 1987 240            1995 392      2003 392                                     |                    |
| 1988 268            1996 418      2004 441                                     |                    |
| 4. Number known to be in litigation.....                                       | 3568.....32%       |
| 5. Decisions on requests.....                                                  | 10495              |
| a. No. granted.....                                                            | 9648.....92%       |
| (1) By examiner                                                                | 9534               |
| (2) By Director (on petition)                                                  | 114                |
| b. No. denied .....                                                            | 847.....8%         |
| (1) By examiner                                                                | 812                |
| (2) Reexam vacated                                                             | 35                 |

<sup>1</sup>Of the requests received in FY 2010, 16 requests have not yet been accorded a filing date, and preprocessing of 80 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

|     |                                                                                                       |                  |                             |                  |
|-----|-------------------------------------------------------------------------------------------------------|------------------|-----------------------------|------------------|
| 6.  | Total examiner denials (includes denials reversed by Director).....                                   | 926              |                             |                  |
| a.  | Patent owner requester                                                                                | 451              | 49%                         |                  |
| b.  | Third party requester                                                                                 | 475              | 51%                         |                  |
| 7.  | Overall reexamination pendency (Filing date to certificate issue date)                                |                  |                             |                  |
| a.  | Average pendency                                                                                      | 25.5 (mos.)      |                             |                  |
| b.  | Median pendency                                                                                       | 20.0 (mos.)      |                             |                  |
| 8.  | Reexam certificate claim analysis:                                                                    |                  |                             |                  |
|     |                                                                                                       | <u>Owner</u>     | <u>3<sup>rd</sup> Party</u> | <u>Comm'r</u>    |
|     |                                                                                                       | <u>Requester</u> | <u>Requester</u>            | <u>Initiated</u> |
|     |                                                                                                       |                  |                             | <u>Overall</u>   |
| a.  | All claims confirmed                                                                                  | 22%              | 25%                         | 12%              |
| b.  | All claims cancelled                                                                                  | 8%               | 13%                         | 23%              |
| c.  | Claims changes                                                                                        | 70%              | 62%                         | 65%              |
| 9.  | Total <i>ex parte</i> reexamination certificates issued (1981 – present) .....                        | 7782             |                             |                  |
| a.  | Certificates with all claims confirmed                                                                | 1817             | 23%                         |                  |
| b.  | Certificates with all claims canceled                                                                 | 893              | 12%                         |                  |
| c.  | Certificates with claims changes                                                                      | 5072             | 65%                         |                  |
| 10. | Reexam claim analysis – requester is patent owner or 3 <sup>rd</sup> party or Commissioner initiated. |                  |                             |                  |
| a.  | Certificates – PATENT OWNER REQUESTER .....                                                           | 2947             |                             |                  |
|     | (1) All claims confirmed                                                                              | 638              | 22%                         |                  |
|     | (2) All claims canceled                                                                               | 251              | 8%                          |                  |
|     | (3) Claim changes                                                                                     | 2058             | 70%                         |                  |
| b.  | Certificates – 3 <sup>rd</sup> PARTY REQUESTER .....                                                  | 4681             |                             |                  |
|     | (1) All claims confirmed                                                                              | 1161             | 25%                         |                  |
|     | (2) All claims canceled                                                                               | 607              | 13%                         |                  |
|     | (3) Claim changes                                                                                     | 2913             | 62%                         |                  |
| c.  | Certificates – COMMISSIONER INITIATED REEXAM .....                                                    | 154              |                             |                  |
|     | (1) All claims confirmed                                                                              | 18               | 12%                         |                  |
|     | (2) All claims canceled                                                                               | 35               | 23%                         |                  |
|     | (3) Claim changes                                                                                     | 101              | 65%                         |                  |



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## Ex Parte Reexamination Filing Data - September 30, 2009

1. Total requests filed since start of *ex parte* reexam on 07/01/81..... 10243<sup>1</sup>
  - a. By patent owner 3634 35%
  - b. By other member of public 6444 63%
  - c. By order of Commissioner 165 2%
  
2. Number of filings by discipline
  - a. Chemical Operation 2931 29%
  - b. Electrical Operation 3596 35%
  - c. Mechanical Operation 3554 34%
  - d. Design Patents 162 2%
  
3. Annual *Ex Parte* Reexam Filings
 

| Fiscal Yr. | No.         | Fiscal Yr. | No. | Fiscal Yr. | No. | Fiscal Yr. | No. |
|------------|-------------|------------|-----|------------|-----|------------|-----|
| 1981       | 78 (3 mos.) | 1989       | 243 | 1997       | 376 | 2005       | 524 |
| 1982       | 187         | 1990       | 297 | 1998       | 350 | 2006       | 511 |
| 1983       | 186         | 1991       | 307 | 1999       | 385 | 2007       | 643 |
| 1984       | 189         | 1992       | 392 | 2000       | 318 | 2008       | 680 |
| 1985       | 230         | 1993       | 359 | 2001       | 296 | 2009       | 658 |
| 1986       | 232         | 1994       | 379 | 2002       | 272 |            |     |
| 1987       | 240         | 1995       | 392 | 2003       | 392 |            |     |
| 1988       | 268         | 1996       | 418 | 2004       | 441 |            |     |
  
4. Number known to be in litigation.....3221.....31%
  
5. Decisions on requests.....9833
  - a. No. granted.....9041.....92%
    - (1) By examiner 8928
    - (2) By Director (on petition) 113
  - b. No. denied .....792.....8%
    - (1) By examiner 757
    - (2) Reexam vacated 35

<sup>1</sup>Of the requests received in FY 2009, 22 requests have not yet been accorded a filing date, and preprocessing of 41 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).

|     |                                                                                                       |                  |                             |                  |
|-----|-------------------------------------------------------------------------------------------------------|------------------|-----------------------------|------------------|
| 6.  | Total examiner denials (includes denials reversed by Director).....                                   | 870              |                             |                  |
| a.  | Patent owner requester                                                                                | 445              | 51%                         |                  |
| b.  | Third party requester                                                                                 | 425              | 49%                         |                  |
| 7.  | Overall reexamination pendency (Filing date to certificate issue date)                                |                  |                             |                  |
| a.  | Average pendency                                                                                      | 25.2 (mos.)      |                             |                  |
| b.  | Median pendency                                                                                       | 19.7 (mos.)      |                             |                  |
| 8.  | Reexam certificate claim analysis:                                                                    | <u>Owner</u>     | <u>3<sup>rd</sup> Party</u> | <u>Comm'r</u>    |
|     |                                                                                                       | <u>Requester</u> | <u>Requester</u>            | <u>Initiated</u> |
|     |                                                                                                       |                  |                             | <u>Overall</u>   |
| a.  | All claims confirmed                                                                                  | 22%              | 26%                         | 12%              |
| b.  | All claims cancelled                                                                                  | 8%               | 13%                         | 23%              |
| c.  | Claims changes                                                                                        | 70%              | 61%                         | 65%              |
| 9.  | Total <i>ex parte</i> reexamination certificates issued (1981 – present) .....                        | 7089             |                             |                  |
| a.  | Certificates with all claims confirmed                                                                | 1725             | 25%                         |                  |
| b.  | Certificates with all claims canceled                                                                 | 807              | 11%                         |                  |
| c.  | Certificates with claims changes                                                                      | 4557             | 64%                         |                  |
| 10. | Reexam claim analysis – requester is patent owner or 3 <sup>rd</sup> party or Commissioner initiated. |                  |                             |                  |
| a.  | Certificates – PATENT OWNER REQUESTER .....                                                           | 2827             |                             |                  |
|     | (1) All claims confirmed                                                                              | 625              | 22%                         |                  |
|     | (2) All claims canceled                                                                               | 233              | 8%                          |                  |
|     | (3) Claim changes                                                                                     | 1969             | 70%                         |                  |
| b.  | Certificates – 3 <sup>rd</sup> PARTY REQUESTER .....                                                  | 4111             |                             |                  |
|     | (1) All claims confirmed                                                                              | 1082             | 26%                         |                  |
|     | (2) All claims canceled                                                                               | 540              | 13%                         |                  |
|     | (3) Claim changes                                                                                     | 2489             | 61%                         |                  |
| c.  | Certificates – COMMISSIONER INITIATED REEXAM .....                                                    | 151              |                             |                  |
|     | (1) All claims confirmed                                                                              | 18               | 12%                         |                  |
|     | (2) All claims canceled                                                                               | 34               | 23%                         |                  |
|     | (3) Claim changes                                                                                     | 99               | 65%                         |                  |



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## Ex Parte Reexamination Filing Data - September 30, 2008

|    |                                                                               |                   |                |
|----|-------------------------------------------------------------------------------|-------------------|----------------|
| 1. | Total requests filed since start of <i>ex partes</i> reexam on 07/01/81 ..... | 9585 <sup>1</sup> |                |
| a. | By patent owner                                                               | 3567              | 37%            |
| b. | By other member of public                                                     | 5853              | 61%            |
| c. | By order of Commissioner                                                      | 165               | 2%             |
| 2. | Number of filings by discipline                                               |                   |                |
| a. | Chemical Operation                                                            | 2811              | 29%            |
| b. | Electrical Operation                                                          | 3261              | 34%            |
| c. | Mechanical Operation                                                          | 3357              | 35%            |
| d. | Design Patents                                                                | 156               | 2%             |
| 3. | Annual Ex Parte Reexam Filings                                                |                   |                |
|    | Fiscal Yr. No.                                                                | Fiscal Yr. No.    | Fiscal Yr. No. |
|    | 1981 78 (3 mos.)                                                              | 1989 243          | 1997 376       |
|    | 1982 187                                                                      | 1990 297          | 1998 350       |
|    | 1983 186                                                                      | 1991 307          | 1999 385       |
|    | 1984 189                                                                      | 1992 392          | 2000 318       |
|    | 1985 230                                                                      | 1993 359          | 2001 296       |
|    | 1986 232                                                                      | 1994 379          | 2002 272       |
|    | 1987 240                                                                      | 1995 392          | 2003 392       |
|    | 1988 268                                                                      | 1996 418          | 2004 441       |
| 4. | Number known to be in litigation.....                                         | 2849.....         | 30%            |
| 5. | Decisions on requests.....                                                    | 9219              |                |
| a. | No. granted.....                                                              | 8467.....         | 92%            |
|    | (1) By examiner                                                               | 8354              |                |
|    | (2) By Director (on petition)                                                 | 113               |                |
| b. | No. denied .....                                                              | 752.....          | 8%             |
|    | (1) By examiner                                                               | 717               |                |
|    | (2) Reexam vacated                                                            | 35                |                |

<sup>1</sup>Of the requests received in FY 2008, 7 requests have not yet been accorded a filing date, and preprocessing of 15 requests was terminated for failure to comply with the requirements of 37 CFR 1.510. See Clarification of Filing Date Requirements for *Ex Parte* and *Inter Partes* Reexamination Proceedings, Final Rule, 71 Fed. Reg. 44219 (August 4, 2006).



|     |                                                                                                  |                  |                             |                  |
|-----|--------------------------------------------------------------------------------------------------|------------------|-----------------------------|------------------|
| 6.  | Total examiner denials (includes denials reserved by Director).....                              | 830              |                             |                  |
| a.  | Patent owner requester                                                                           | 441              | 53%                         |                  |
| b.  | Third party requester                                                                            | 389              | 47%                         |                  |
| 7.  | Overall reexamination pendency (Filing date to certificate issue date)                           |                  |                             |                  |
| a.  | Average pendency                                                                                 | 24.5 (mos.)      |                             |                  |
| b.  | Median pendency                                                                                  | 19.0 (mos.)      |                             |                  |
| 8.  | Reexam certificate claim analysis:                                                               |                  |                             |                  |
|     |                                                                                                  | <u>Owner</u>     | <u>3<sup>rd</sup> Party</u> | <u>Comm'r</u>    |
|     |                                                                                                  | <u>Requester</u> | <u>Requester</u>            | <u>Initiated</u> |
|     |                                                                                                  |                  |                             | <u>Overall</u>   |
| a.  | All claims confirmed                                                                             | 22%              | 28%                         | 12%              |
| b.  | All claims cancelled                                                                             | 8%               | 13%                         | 21%              |
| c.  | Claims changes                                                                                   | 70%              | 59%                         | 67%              |
| 9.  | Total ex parte reexamination certificates issued (1981 – present) .....                          | 6457             |                             |                  |
| a.  | Certificates with all claims confirmed                                                           | 1624             | 25%                         |                  |
| b.  | Certificates with all claims canceled                                                            | 721              | 11%                         |                  |
| c.  | Certificates with claims changes                                                                 | 4112             | 64%                         |                  |
| 10. | Reexam claim analysis – requester is patent owner or 3 <sup>rd</sup> party; or Comm'r initiated. |                  |                             |                  |
| a.  | Certificates – PATENT OWNER REQUESTER .....                                                      | 2722             |                             |                  |
|     | (1) All claims confirmed                                                                         | 611              | 22%                         |                  |
|     | (2) All claims canceled                                                                          | 214              | 8%                          |                  |
|     | (3) Claim changes                                                                                | 1897             | 70%                         |                  |
| b.  | Certificates – 3 <sup>rd</sup> PARTY REQUESTER .....                                             | 3588             |                             |                  |
|     | (1) All claims confirmed                                                                         | 995              | 28%                         |                  |
|     | (2) All claims canceled                                                                          | 476              | 13%                         |                  |
|     | (3) Claim changes                                                                                | 2117             | 59%                         |                  |
| c.  | Certificates – COMM'R INITIATED REEXAM .....                                                     | 147              |                             |                  |
|     | (1) All claims confirmed                                                                         | 18               | 12%                         |                  |
|     | (2) All claims canceled                                                                          | 31               | 21%                         |                  |
|     | (3) Claim changes                                                                                | 98               | 67%                         |                  |